

California Fair Political Practices Commission

April 6, 1989

Robert E. Leidigh
Olson, Connelly, Hagel & Fong
300 Capitol Mall, Suite 350
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-170

Dear Mr. Leidigh:

You have requested advice on behalf of Senator John Garamendi concerning his duties under the campaign provisions of the Political Reform Act.^{1/}

Your letter accurately summarizes the telephone advice I provided to you on March 15, 1989.

If you have any questions concerning this letter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in cursive script, reading "Kathryn E. Donovan", is written over the typed name.

By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Law Offices of
OLSON, CONNELLY, HAGEL & FONG

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March 17, 1989

Ms. Kathryn E. Donovan, Counsel
Legal Division
FAIR POLITICAL PRACTICES COMMISSION
428 "J" Street, Suite 800
Sacramento, California 95814

**RE: CONFIRMATION OF TELEPHONE ADVICE REQUESTED ON
BEHALF OF SENATOR JOHN GARAMENDI; ADVICE PROVIDED
3/15/89**

Dear Ms. Donovan:

Pursuant to our telephone conversation of March 15, 1989, this letter is being sent to confirm telephone advice which you provided to me on that date. The telephone advice confirmed previous telephone advice you have provided on the same topic. However, unlike my previous questions, this advice was requested on behalf of an identified client, State Senator John Garamendi.

FACTS

The facts which I provided to you are as follows:

LANCE H. OLSON
BRUCE J. HAGEL
LEROY Y. FONG
ROBERT E. LEIDIGH

John Garamendi is a State Senator. He was re-elected to that office in November 1988. Since January 1, 1989, he has filed an FPPC Form 501 stating his intent to seek the office of State Controller in 1990.

OF COUNSEL
LLOYD G. CONNELLY, *Member*
California State Legislature

Senator Garamendi also wishes to establish a committee to support qualification and/or passage of a "state measure" to alter the so-called "Gann Limit" on state spending. This ballot measure committee would be controlled by him. The ballot measure would likely appear on the ballot in one of the two statewide elections in 1990.

QUESTIONS

I posed to you the following questions on behalf of Senator Garamendi:

300 Capitol Mall, Suite 350
Sacramento, California 95814
TELEPHONE: (916) 442-2952
FAX: (916) 442-1280

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1. May Senator Garamendi establish and control a ballot measure committee of the type described and obtain contributions thereto?

2. If so, are the contributions received and expenditures made by the ballot measure committee in any way subject to the limitations on contributions under the Political Reform Act?

3. If Senator Garamendi establishes and controls such a ballot measure committee, must his name appear in the name of the committee?

ADVICE

You advised me as follows:

1. Senator Garamendi may establish and control a ballot measure committee and obtain contributions to the committee.

2. Contributions to a ballot measure committee, even one controlled by a candidate who may appear on the same ballot, are not subject to the contribution limitations of the Political Reform Act. Such contributions do not in any way count as contributions to the controlling candidate, since they are not contributed to support that candidate's candidacy. Hence, those contributions and their expenditure in support of the measure are not subject to the limitations which apply to contributions to the candidate's candidate committee(s) under the Political Reform Act.

3. If Senator Garamendi establishes and controls a ballot measure committee, Government Code Section 84106 requires:

The name of any committee shall include or be accompanied by the name of any individual, entity or other person by which the committee is controlled. . .

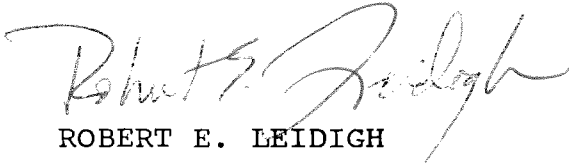
Consequently, if Senator Garamendi establishes a ballot measure committee which he controls, he must comply with the provisions of the section.

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I would appreciate receiving a written confirmation of this advice. Thank you for your cooperation and prompt assistance.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG

A handwritten signature in cursive script, appearing to read "Robert E. Leidigh".

ROBERT E. LEIDIGH

cc: Senator John Garamendi